

<b>DIVISION OF MINES</b>	<b>CHAPTER: V Investigations</b>
<b>PROCEDURES MANUAL</b>	
	<b>PROCEDURE NO: 1.05.06</b>
	<b>ISSUE DATE:</b>
<b>SUBJECT: Unlicensed Mine Sites</b>	<b>LAST REVISED: 10/00</b>

## **OBJECTIVE AND INTENT**

To provide procedures for conducting an investigation of all reported unlicensed mine sites in order to safely determine the status of activity and ensure compliance with the licensing requirements of the Mine Safety Act.

## **PROCEDURE**

### **1. RESPONSE**

- Whenever surface disturbance related to mining is located and there is no valid mine license, a joint investigation with DMLR personnel will be initiated immediately, but in no case, later than the next regular work day. The two inspectors will determine the procedures of onsite investigation, if necessary, and the process for continued information exchange until the incident investigation is completed.
- When an unlicensed mine site is determined to be likely, Division of Mines' personnel will contact their supervisor promptly and review the circumstances of their findings.

### **2. ARRIVAL AT MINE SITE**

- Upon entry, identify as DM representative.
- Explain the reason for being at the site and duty of DM and DMLR to inspect.
- If a confrontation with an unlicensed mine operator is anticipated, the inspectors should be accompanied by other Division personnel. Should a confrontation occur, the inspectors should leave the site in a professional manner and immediately contact their supervisor with the facts about the case. If there is a life-threatening situation, and/or departure from the site is impeded, the Division of Mines office should be contacted by radio so the appropriate authorities can be summoned. The inspector should, if possible, explain the consequences to the operator for impeding, interfering with, hindering, or delaying an investigation.
- If denied the right of entry, the inspectors should forward this information to their supervisor/Chief, and a decision will be made what course of action to pursue (including State Police to accompany employee, search warrant, criminal or injunctive relief.)

- A Closure Order will be issued under Section 45.1-161.91 A(iii).

### 3. INVESTIGATION DATA COLLECTION

- Investigate the site and question witnesses and management to obtain details pertaining to the activity taking place on the site.
- Review available mine records relative to the incident.
- Interview all witnesses and other personnel with knowledge of the incident.
- Issue appropriate Notices of Violation and Orders of Closure as the situation may necessitate.
- Update appropriate supervisor prior to the end of the normal working day with current status of investigation.

### 4. DETAIL REPORT OF INVESTIGATION

- A report will be prepared after the investigation is completed by the Inspector or Specialist. The complete report will render circumstances/cause of the incident and contain recommendations for the prevention of similar incidents. DM personnel will provide a copy of the certificate of inspection to the mine operator or his agent, one copy to the employee's representative and one copy will be posted at a prominent place on the mining premises where it may be reviewed by the employees.